

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: January 16, 2020
TO: Honorable Board of Police Commissioners
FROM: Inspector General
SUBJECT: OFFICER-INVOLVED SHOOTING 004-19 FOR 1/21/20 CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On () Off (X)</u>	<u>Uniform-Yes () No (X)</u>
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Central	2/14/19	3:20 a.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Johnson, M./Det. III	21 years, 8 months
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Total Involved Officer(s)

1 x Det. III

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Michael Wise: Male white, 30 years of age.

COP Recommendations

Tactics – Administrative Disapproval, Detective Johnson.

Drawing/Exhibiting – Out of Policy, Administrative Disapproval, Detective Johnson.

Lethal Use of Force – Out of Policy, Administrative Disapproval, Detective Johnson.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – In Policy, Detective Johnson.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Synopsis

On February 14, 2019, at approximately 0300 hours, an off-duty detective employed by the Los Angeles Police Department (LAPD) was walking in the area of 6th Street and Wall Street. According to the detective, he was approached by a male suspect armed with a semiautomatic pistol who demanded he hand over his money. The detective identified himself as a police officer and, as he attempted to unholster his own pistol, was struck over the head and fell to the ground. During this incident the detective's pistol was fired and the suspect was struck in the lower abdomen.

Annotated Force Investigation Division (FID) Incident Summary¹

On Wednesday, February 13, 2019, Detective III Michael Johnson, Serial No. 34786, 77th Street Area Narcotics Enforcement Detail (NED), was off-duty and had rented a condominium at 232 East 2nd Street, Los Angeles.² According to Detective Johnson, he had planned to join co-workers at a bar in downtown Los Angeles for a promotional party and then attend Department training early the following morning. With that in mind, he rented the downtown condo so he could walk between his condo and the bar and not have a long commute to training the next day (Investigators' Note No. 1).

In the evening of February 13th, Detective Johnson left his condo and walked to a bar called the Seven Grand, located at 515 West 7th Street. There, as planned, he met with Detective II Nick Vascones, Serial No. 36569, 77th Street Area NED in front of the location. Detective Vascones was also off duty. Since their co-workers hadn't arrived yet, they went to an adjacent bar for drinks. According to Vascones, he and Johnson stayed at this location for approximately 30 to 40 minutes.

At approximately 2000 hours, Detectives Johnson and Vascones joined their co-workers at the Seven Grand, staying until the promotional party dispersed at midnight. At that time, Detectives Johnson and Vascones along with Police Officer II Guillermo De La Riba, Serial No. 38681, 77th Street Area Gang Enforcement Detail (GED), walked to another bar, the Golden Gopher, at 417 West 8th Street. They continued drinking at the Golden Gopher until the bar closed.³ Prior to closing, the trio were joined by Police Officer II Romina Torres, Serial No. 40705, 77th Street Area NED. Torres lived close by and had planned on giving Detectives Johnson, Vascones and Officer De La Riba safe rides home.

¹ The Incident Summary presented here is reproduced from FID's report regarding this case and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Detective Johnson, 45 years of age, 6 feet, 2 inches tall and 215 pounds, 21 years, 8 months with the Department.

³ Closing time was at approximately 0200 hours.

On February 14, 2019, at approximately 0200 hours, as captured on private surveillance video, Officer Torres walked toward the exit of the Golden Gopher. She was followed by Officer De La Riba, Detective Vascones and lastly Detective Johnson. The four continued toward the exit until they were out of view of the interior camera. On the exterior camera Torres, De La Riba and Vascones are captured exiting and walking east away from the bar. Detective Johnson was no longer with them. According to Johnson, before exiting the bar he returned to use the restroom. However, analysis of the interior video showed Johnson walk back toward the bar and never into the hall that lead to the bathroom. Johnson remained out of the camera's view for approximately six minutes before he was again captured walking toward the exit.

Note: Detective Johnson was wearing a baseball cap when he initially entered the bar. When he was seen walking toward the exit with his co-workers, he was not wearing the baseball cap. When he headed toward the exit the second time, he was again wearing the cap.

According to Detective Vascones and Officer De La Riba they walked outside and to the east of the bar to take cover from the rain under an awning and smoke a cigarette. It was while smoking their cigarette they became aware that Detective Johnson was no longer with them. Vascones returned to the front of the bar, but was refused entry as the bar was closing. He had called out to Johnson and had looked through the door, but he did not get a response and was unable to see Johnson. Officer Torres attempted to call Johnson's cell phone, but the call went straight to voicemail. Torres, Vascones and De La Riba then loaded into Torres' vehicle and drove away from the location. As they did so, the three looked for Johnson. They did not see him in the area and opined he must have utilized public transportation (Uber, Lyft, taxi, etc.) to get to his condo. According to Torres, Vascones and De La Riba, Johnson was intoxicated, but they believed he was coherent, able to carry on a conversation and capable of caring for himself.

The analysis of the available video outside the Golden Gopher captured Detective Johnson exiting the front door approximately eight minutes after Detective Vascones and Officers Torres and De La Riba had exited. According to Johnson, upon exiting the Golden Gopher, he looked, but could not locate his friends. He was aware that he had been drinking and was in no condition to operate a motor vehicle; however, he believed he was very capable of walking and safely returning to his rented condo near the intersection of 2nd Street and San Pedro Street.

Note: The walking distance between the Golden Gopher and Detective Johnson's condominium was approximately 1.25 miles.

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At approximately 0251 hours, an interior camera at Central station captured Detective Johnson entering the rear door and turning down a hallway until he was out of view. The hallway led toward the men's restroom; however, there are no cameras in this area to verify Johnson's movements and he had no recollection of entering the rear of the station.

Approximately four minutes later, Detective Johnson is seen exiting Central station onto Wall Street and walking south toward 6th Street. According to Officer Gil, he called out to Johnson to reengage him in conversation; however, Johnson did not respond.

According to Detective Johnson, and as captured on video, he went to the front of Central station. Johnson believed he had entered the lobby of the station and obtained cash from the ATM. However, this was not supported by video as the station's interior camera was focused on the front desk and not on the entryway nor the area of the lobby where the ATM was located. Further, according to Johnson, he had later checked the transaction history of his bank account and found no evidence of his accessing the ATM. Lastly, investigators attempted to obtain video from the ATM, but determined the ATM inside Central station was not equipped with a functioning camera.

According to the video retrieved from the exterior surveillance camera in front of Central station, Detective Johnson lingered in front of the station for approximately 15 minutes. During that time, he appeared to have verbal interactions with several citizens loitering in the area. He then walked east on 6th Street by himself. At approximately 0327 hours, Detective Johnson is depicted walking east across Wall Street and out of view of the camera.

According to Detective Johnson, as he exited the front of Central station he was confronted by an unknown Black female who wanted money from him. He attempted to deflect her request and suggested other resources available to her as he walked east on 6th Street across Wall Street. He believed the female walked along with him until he was confronted by a male, later identified as Suspect Michael Wise. According to Johnson, he believed Wise to be the same individual he had encountered earlier as he walked toward Central station. (In the earlier contact, Wise was standing in an alcove, wearing a black hoodie and had asked Johnson for money)

However, a surveillance video obtained from a camera on the southeast corner of 6th Street and San Julian Street captured Detective Johnson walking east on 6th Street from Wall Street.⁵ He was alone and walking on the northside of the roadway adjacent to a collection of homeless tents along the north sidewalk, as depicted in the below screenshot. According to the surveillance video, no one was walking with or near him. At 0317:21 hours, he continued to approximately mid-block, stopped and appeared to

⁵ The rain drops on the camera lens reduced the clarity of the video.

engage a female holding a pink umbrella.⁶ The female was later identified as Janay Daniels (Investigators' Note No. 3).⁷

OIG Note No. 1: Based on the surveillance video time-stamp, Detective Johnson appeared to engage Witness Daniels at approximately 0317:58 hours.



Pole camera, southeast corner San Julian Street and 6th Street.

Detective Johnson and Janay Daniels remained in the street, adjacent to a red tent until 0321:14 hours, when Michael Wise emerged from behind the tent.⁸ According to Detective Johnson, Wise immediately demanded money and stated, "I know you're gonna give it up, just break me off some money."⁹

Note: According to Witness Michael Hall he was sleeping in the red tent on the north sidewalk. He heard a male voice outside that he did not recognize. As he did not recognize the voice, he believed it to be that of Detective Johnson. According to Hall, Johnson tried to make small talk and appeared to just want to sit down and hang out for a minute. In his opinion, he did not believe Johnson was there to cause any trouble. Hall then heard Wise state, "Hey mother fucker, get the fuck out of here (Investigators' Note No. 4)."

OIG Note No. 2: Witness Hall gave statements to Officers Jesus Toris and Channing Lang from Central Area after the OIS. See pages 11-12 of this report for further details.

⁶ This time was gleaned from the video obtained from the camera at 6th and San Julian.

⁷ Janay Daniels, female Black, 27 years of age.

⁸ Michael Wise, male White, 30 years of age, 5 feet, 11 inches tall, 175 pounds.

⁹ Johnson's 2nd Interview, Page 12, Lines 16-18.

According to Detective Johnson, he again tried to deflect Wise's demand for money. However, during the short exchange Johnson looked down and observed Wise's hand on the grip of a black semiautomatic pistol.¹⁰ Johnson immediately backed up and struggled with his numerous layers of clothing to grasp his own pistol that was located on his right hip in an Inside the Waistband (IWB) holster. Simultaneously, he stated, "I'm a cop. I'm a cop. Drop the gun. Drop the gun."¹¹ At 0321:25 hours, as depicted in the below screenshot, Johnson appeared to be in a bladed stance, with his right arm held in what could be described as a close contact position with his left arm extended out toward Wise.

OIG Note No. 3: *According to Detective Johnson, "And at some point I looked -- my eyes went down because it was an eye -- eye contact as I was talking to him, and I remember my eyes seeing a black handle of what I believed was a handgun, a semi-automatic. I believe it was a semi-automatic. He was holding the handle is what I remember specifically. And it would have been pointed -- or in a downward direction around his torso -- around his torso or around his waistband."¹²*



However, according to Detective Johnson, he was struggling with his multiple layers of clothing to unholster his pistol when he was struck in the face and on the crown of his head. He wasn't sure which occurred first, but believed Wise hit him in the face and that the strike to his head came from the rear. Johnson couldn't provide specific details, but stated his next memory was that of him being on the ground, on his back and

¹⁰ Detective Johnson could not recall which hand was on the pistol and believed it was partially covered by Wise's clothing.

¹¹ Johnson's 2nd Interview, Page 13, Line 12.

¹² Johnson's 2nd Interview, Page 12 Lines 22-25, Page 13 Lines 1-5.

attempting to defend himself with his hands and feet as Wise continued to strike him. According to Johnson, he had no recollection of unholstering his pistol.

Note: ABC 7 News interviewed Michael Wise. According to Wise, Detective Johnson was being aggressive towards a female and he stepped in to assist her. He stated Johnson did not identify himself as a police officer. He further stated he was on top of Johnson wrestling with him when he heard someone say, “he has a gun”¹³ Wise then stated that Johnson shot him and he grabbed the gun. Wise then put the gun to the side and began to hit Johnson with his fists until he felt bones breaking.

According to M’randd Faulks, he was sleeping in his truck that was parked along the curb on the southside of 6th Street, east of Wall Street.¹⁴ He was awakened by a commotion outside on the street and saw two male Whites fighting. He believed it was a drug related fight and closed his eyes. His attention was again drawn to the fight when he heard a single gunshot. Looking out through his closed window he saw Detective Johnson and Wise standing near one another and heard a second gunshot and observed the associated muzzle flash. According to Faulks, he could not decipher who was holding the pistol, who had fired it or in which direction the rounds were fired. Following the gunshots, Faulks saw the fight go to the ground where he observed Wise strike Detective Johnson twice on the head with a metal trash can.

***OIG Note No. 4:** When FID investigators asked Witness Faulks whether Detective Johnson was able to defend himself when Wise struck him twice with the trash can, Witness Faulks replied that Detective Johnson could not defend himself and indicated his belief that Detective Johnson was dead. Witness Faulks stated, “...he [Detective Johnson] got to be dead. He [Wise] hit the man [Detective Johnson] – I don’t know how many times, but he’s gone.”¹⁵*

Continuing to describe Wise’s actions with the trash can, Witness Faulks added, “I seen him [Wise] hit him [Detective Johnson] the first time. I was like, oh, man (Unintelligible). I’m like what the fuck. Like the dude dead. Like what else do you want? [...] That’s like overkill.”¹⁶

At 0321:43 hours, surveillance video captured Detective Johnson falling to the ground with Wise standing over him. The video appeared to capture Wise continuing to punch Johnson for approximately 90 seconds as he lay on the ground. Wise then grabbed

¹³ This video recorded interview occurred on April 4, 2019. This was the only statement provided by Wise related to this incident.

¹⁴ M’randd Faulks, male Black, 37 years of age.

¹⁵ Faulks, Page 32, Lines 8-10.

¹⁶ Faulks, Page 35, Lines 21-25.

what appeared to be a steel trash can and struck Johnson in the head two times. After that, Wise left the scene east on 6th Street.

OIG Note No. 5: *The interview of Witness Faulks did not yield details of what happened between the time that Detective Johnson went to the ground and the point at which Wise struck Detective Johnson with the trash can.*

OIG Note No. 6: *The trash can used by Wise to strike Detective Johnson was not recovered during the investigation.*

Note: FID Detectives conducted an interview with Wise. Wise stated he had no recollection of the incident, but stated after he had been shot, he held Johnson's arm to the ground. Wise further added he was upset that he (Detective Johnson) lived, he had hoped that he killed him.

At 0326:08 hours, Jose Triana and Erica Enciso were walking east on 6th Street when they came upon Detective Johnson lying unconscious in the street. Enciso called 9-1-1 and asked for an ambulance at 6th Street and San Julian Street for a male White who was bleeding and possibly dead (Investigators' Note No. 5).

OIG Note No. 7: *According to Witnesses Triana and Enciso, they did not observe the assault or the OIS that had occurred; however, they each described witnessing a black male trying to remove property from Officer Johnson's person. According to Witness Triana, "...there was another black guy who was going through the pockets, and he was trying to take a watch that the man [Detective Johnson] had on his hand, and I told him, 'Hey, hey, come on. [...] Leave him alone.'"*¹⁷

*Witness Triana described the black male as 60 years of age, approximately 6'2" tall, with black hair that had some gray color in it, and with a skinny build. Witness Enciso described the person going through Detective Johnson's pockets as a "forty-ish" year old black male wearing a "black hooded sweater."*¹⁸

Michael Hall is a black male who is 63 years of age and 6'0" tall, and who weighs 175 pounds.

At 0326:40 hours, security at the Midnight Mission, located at 601 South San Pedro Street, had discovered Wise outside suffering from a single gunshot wound to the abdomen. An unidentified security guard called 9-1-1 and reported this to the Emergency Board Operator (EBO).

¹⁷ Triana, Page 11, Lines 13-18.

¹⁸ Enciso, Page 9, Line 17 – Page 10, Line 2.

At approximately 0327 hours, Communications Division (CD) generated two radio calls, both of which identified the victims as suffering from gunshot wounds. As both of the Code-Three radio calls were in the same general area, both were assigned to Police Officer III Luis Nunez, Serial No. 39113, and Police Officer I Michael Tarango, Serial No. 43516, 1A29W3.¹⁹

Upon their arrival, Officers Nunez and Tarango were flagged down by citizens standing near Detective Johnson. They observed Detective Johnson lying unconscious in the street along the north curb and noted he was bleeding from the head. Due to the amount of trauma and blood to Johnson's face, Officer Nunez believed he had sustained a gunshot wound to the head and requested a Rescue Ambulance (RA) to respond as he began to establish a crime scene.

At 0328 hours, the Los Angeles Fire Department (LAFD) received the alarm to respond. Although there were two separate phone calls to 9-1-1, one LAFD incident was generated. Rescue 9 arrived and they provided medical treatment to Detective Johnson. It was at this time that Officer Nunez observed an empty holster on the right side of Johnson's belt. He conducted a pat-down search of his clothing and a search of the immediate area, but no gun was located. Additionally, the officers did not locate a wallet or any form of identification. Detective Johnson, who at the time was identified only as John Doe, was transported to the Los Angeles County-University of Southern California Medical Center (USCMC) for medical treatment (Investigators' Note Nos. 6 and 7).

While the officers were conducting their investigation at the initial crime scene, they were directed to Wise's location at the Midnight Mission. Once contact was made, an additional RA was requested for Wise. Wise refused to provide a statement to the officers.

Note: Although the second call was also assigned to Officers Nunez and Tarango, Police Officer III Martin Garcia, Serial No. 39924, and Police Officer I Joaquin Serrato, Serial No. 43115, 1A85W3, were the first unit to arrive and contact Wise. Upon arrival, they observed Wise sitting in front of the Midnight Mission with a gunshot wound to his left abdomen. He was uncooperative and refused to provide any information to the officers. Rescue Ambulance No. 209 responded and transported Wise to USCMC for medical treatment.

Detective I Ismael Gonzalez, Serial No. 32849, Central CAPS, assumed investigative responsibility for the case (Addendum No. 1).

At approximately 0800 hours, Witness Michael Hall approached Police Officer III Jesus Toris, Serial No. 38214, Central RESET, assigned to the crime scene perimeter. As a RESET officer, Toris had numerous encounters with Hall, a regular transient in the area,

¹⁹ Communications Division Incident Nos. 190214000437 and 190214000438.

over the past ten years. Hall advised Toris he knew some information regarding the crime and he directed Hall to Central Station for a formal interview with a Detective. While Officer Toris waited with Hall, he spontaneously stated "he's one of yours". When questioned, Hall admitted to being present during the commission of the crime and looking through Johnson's wallet. He observed a blue LAPD ID card along with credit cards. Hall took the credit cards and discarded the wallet and police ID card. Hall provided Officer Toris with a Costco Membership card and Credit Card, under the name of Michael Johnson. Officer Toris immediately notified Detectives to verify Hall's information, as Police Officer III Channing Lang, Serial No. 35542, Central Detectives, conducted an interview with Hall (Addendum No. 2).

OIG Note No. 8: *According to Officer Toris, "Mr. Hall stated that he [Hall] came out of the tent and they started to check [...] on the guy's [Detective Johnson's] pulse. As he grabbed his arm, he saw his watch and he's like, 'Hey, this guy's not – he's not one of us.' Then he went through his wallet and that he found a credit card, well he found the ID but he also found some other things there."²⁰ The conversation between Officer Toris and Witness Hall was not recorded.*

OIG Note No. 9: *According to a statement completed by Officer Lang, Witness Hall stated that he found Detective Johnson's wallet on 6th Street between San Pedro and Crocker Streets. The interview of Witness Hall conducted by Officer Lang was not recorded.*

At approximately 0900 hours, the Commanding Officer, 77th Street Area, Captain III Rafael Ramirez, Serial No. 27442, was notified a 77th Area Detective may have been involved in a shooting. Captain Ramirez responded to USCMC and confirmed Johnson's identity. Detective Johnson was in an induced coma during this identification.

At 1147 hours, the Department Operations Center (DOC) was notified of the Categorical Use of Force (Addendum No. 3).

The first representative from Force Investigation Division arrived at 1215 hours.

Scene Description

The incident occurred in the 300 block of East 6th Street. This area consists of commercial buildings and is in the area known as "Skid-Row" in downtown Los Angeles. The 300 block of East 6th Street is bordered by Wall Street to the west and San Julian Street to the east. East 6th Street, is a three lane, one-way street with traffic flowing east and parking available along the south curb. The street was approximately 49 feet wide with sidewalks along the north and south sides of the street. At the time, the north sidewalk was cluttered with approximately twelve large homeless encampments and the

²⁰ Toris, Page 8, Lines 16-23.

south curb was lined with parked vehicles. The incident occurred mid-block between Wall Street and San Julian Street on the north side of the street.

This incident occurred during the hours of darkness at approximately 0321 hours. Artificial illumination was provided from an overhanging street lamp on the north sidewalk immediately west of the incident location. The temperature was in the mid 50-degree range with heavy rain falling throughout the night.

Canvass for Witnesses

On February 14, 2019, FID and Central Area personnel canvassed the area of 6th Street between Wall Street and San Julian Street. Additional canvasses to identify and locate witnesses were conducted by Central Reset and Robbery Homicide Division. Unless otherwise noted, the statements of all witnesses were recorded and transcribed and are contained in this report. Copies of their statement forms are in the FID casebook.

Suspect Information



Michael Wise was a male White with brown hair and hazel eyes. At the time of the incident, he was 5 feet, 11 inches tall, weighed approximately 175 pounds and his date of birth is March 23, 1988. He was identified by his California Information and Identification (CII) No. A37002172. Wise was not a documented gang member and had no prior LAPD Mental Evaluation Unit (MEU) contacts.

Wise's criminal history included four misdemeanor convictions dating back to 2017, when he was arrested for carrying metal knuckles (Addendum No. 4).

An LAPD Investigative Report (IR) for Attempted Robbery, was completed by Detectives III D. Dupree, Serial No. 27765, and D. Holmes, Serial No. 34783, Robbery Homicide Division (RHD), naming Michael Wise as the suspect (Addendum No. 5).

On May 8, 2019, RHD presented a criminal complaint to Los Angeles County Deputy District Attorney Mary Murray, who declined to file charges. She cited lack of sufficient evidence as the reason for the declination (Addendum No. 6).

Injuries

At 0328 hours, LAFD RA No. 9, staffed by Firefighter/Paramedics (FF/PM) Jacob Gibson and Yasha Van, responded to Detective Johnson's location on 6th Street west of San Julian Street. Detective Johnson had sustained multiple blunt force injuries to his face and head resulting in bleeding in the space surrounding his brain, orbital and nasal fractures and extensive damage to the soft tissue and muscle around his eyes. He was treated at the scene and transported to USCMC. Police Officers II Michael Ramirez, Serial No. 39614, and Reyna Pinedo, Serial No. 42347, 1X23W3, followed the RA to the

hospital. Detective Johnson was placed in an induced coma for the swelling to his brain and remained hospitalized until February 19, 2019.



Detective Johnson

At 0343 hours, LAFD RA No. 209, staffed by FF/PM Steven Oransky and Ernest Orrante, responded to 6th Street west of San Pedro Street and treated Suspect Wise for a single gunshot wound to his lower left abdomen. He was transported to USCMC for medical treatment. Police Officers II Adam Moore, Serial No. 42240, and Michael Orozco, Serial No. 39114, 1A41W3, followed the RA to the hospital.

In addition to the injury described above, Wise also had various cuts and swelling to his knuckles. These injuries were photographed and stored at Technical Information Division (TID) under Control No. 787721. Wise refused to sign a medical release.

Evidence

As the initial knowledge of the incident led no one to believe a Department employee was involved, officers assigned to Central Patrol Division established a crime scene on 6th Street and began the preliminary investigation of the shooting. In doing so, they collected evidence, canvassed the area and interviewed witnesses.

As a result of their examination of the crime scene, numerous items of evidence were recovered. Included in those items were Discharged Cartridge Casings (DCC), Items 7 and 8, an empty holster, Item 2 and an airsoft pistol, Item 6. There was a total of 27 items of evidence booked in conjunction with this investigation (Addendum No. 7).

Note: The airsoft pistol was found by officers at a construction site located at 401 E. 7th Street. At the time of this report, the requested tests regarding DNA on the airsoft pistol and on Detective Johnson's holster have not been completed.

Police Officer III Ritchie Tijerina, Serial No. 32503, Central Patrol Division, completed Gunshot Residue (GSR) Kit No. 004574 on Detective Johnson and GSR Kit No. 004584 on Suspect Wise. On July 8, 2019, Criminalist II Stacy Vanderschaaf, Serial No. N4220, Forensic Science Division (FSD), concluded her analysis of the GSR kits and determined gunshot residue was present on each kit (Addendum No. 8).

Weapons

Detective Johnson was armed with a 9mm Glock Model 19 Gen 5 semiautomatic pistol. The pistol was carried in a Department-approved Crossbreed plastic IWB holster. The capacity of the pistol when fully loaded is sixteen (fifteen cartridges in the magazine and one cartridge in the chamber). According to Johnson his pistol was loaded to capacity (Investigators' Note No. 8).

Detective Johnson's pistol was stolen on the night of the incident. On February 19, 2019, the pistol was recovered by LASO Deputies during a criminal investigation in Castaic, CA. At the time the pistol was recovered, the chamber was empty and the magazine was loaded with 13 rounds of 9mm ammunition (Addendum No. 9).

On April 18, 2019, Criminalist II Annette Woivode, Serial No. N4427, FSD, Firearms Analysis Unit (FAU), completed a report documenting the test firing of Detective Johnson's pistol. The pistol was found to be functional and the trigger pull value for the pistol was within the Department's established range (Addendum No. 10).

Firearms Analysis

Investigators from RHD and FID conducted an examination of the crime scene. There were no impacts identified during this investigation.

Criminalists from the Los Angeles County Sheriff's Office swabbed Detective Johnson's pistol and magazine for deoxyribonucleic acid (DNA) in conjunction with their criminal investigation. Their lab conducted comparison tests specific to their suspect; thereby utilizing all the available samples (Addendum No. 11).

Note: Due to the the handling of Detective Johnson's pistol by the unrelated suspects as well as LASO testing of the pistol, additional swabs were not collected. Additionally, Suspect Wise's admission during his ABC 7 News interview that he handled Detective Johnson's pistol during the incident made further DNA analysis less necessary.

On March 4, 2019, Forensic Print Specialist III Edgar Berrios, Serial No. N1917, FSD, examined Detective Johnson's pistol. No latent prints were developed (Addendum No. 12).

On April 18, 2019, Criminalist Woiwode examined and test-fired Detective Johnson's pistol. Criminalist Woiwode determined Johnson's pistol functioned as designed and that the two DCC recovered from the crime scene were, in fact, fired from Detective Johnson's pistol (Addendum No. 10).

Visual Documentation

Digital In-Car Video System (DICVS)

Responding police vehicles were equipped with DICVS. There were no vehicles present at the time of the incident. Units arrived after the incident and set up the crime scene. As a result, no DICVS footage contained any further evidentiary value. In addition, no investigative issues or concerns were identified.

Body Worn Video (BWV)

The investigation determined that eight officers assigned to Central Area responded to the scene after the shots had been fired and activated their BWV at some point during their response. The BWV was reviewed by FID investigators and no investigative issues or concerns were identified.

Social Media

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information or witnesses were identified.

Other Department Video

On February 14, 2019, FID investigators inspected Central Area's internal video system. The system was operational and video from the incident was recovered and stored at TID under Control No. 740841.

Outside Video

On February 14, 2019, FID investigators, along with RHD Investigators, canvassed the area around 6th Street and San Julian Street as well as the route(s) between the Golden Gopher and Central station. Video identified and recovered was stored at TID under the following Control Nos. 740835, 740831, 740834, 740833, 740119, 740832, 740830, 740122.

Photographs

Photographs of the scene and associated evidence are stored under Control Nos. D0787721 and D0787665

Notifications

At 1147 hours, the DOC was notified of the Categorical Use of Force. Details of the subsequent notifications are attached (Addendum No. 3).

Personnel at Scene

A complete list of personnel who responded to the scene is on file at FID.

Detective II Robert Castaneda, Serial No. 26722, FID, arrived at scene at approximately 1215 hours. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

Communications

Copies of the CD printouts relative to the OIS incident, Incident Nos. 190214000437 and 190214000438, are on file at FID. The digitally recorded interviews of the involved and percipient officers, as well as the civilian witnesses, are stored in the Training Evaluation and Management System (TEAMS II) database.

Justice Sysytem Integrity Division

This case met the criteria for presentation to the Justice System Integrity Division (JSID) and will be presented shortly after completion of this administrative report.

Investigators' Notes

1. Detective Johnson was formally interviewed on May 28, 2019. At that time, he was still under the care of medical personnel and undergoing treatment. According to Johnson, Doctor Beth Lowe, a neurologist, was treating him for a Traumatic Brain Injury (TBI) resulting from the concussion he received during the assault by Suspect Michael Wise. In addition to headaches, Detective Johnson was suffering from intermittent memory loss.
2. Central Station is monitored by security cameras throughout the interior and exterior of the building. FID captured camera footage from eighteen cameras. Central Station RESET also has cameras mounted around the surrounding streets to monitor activity. Those cameras have remote access at Central Station RESET office, the footage from two cameras at 6th Street and San Julian Street were obtained.
3. Janay Daniels was identified by Central Area personnel as the female holding the pink umbrella who was talking with Detective Johnson. During a subsequent interview, Daniels was shown screenshots from the video collected from 6th Street and San Julian Street on the morning of the incident. Daniels and her husband, Jamie Irby, agreed that it was her in the photographs. Additionally, Daniels agreed that she often frequents the area; however, she denied having any knowledge of an assault or gunshots being fired. She was also shown a photograph of Michael Wise and denied having any knowledge of who he was.

OIG Note No. 10: The interview of Witness Daniels was not audio-recorded, and no contemporaneous notes regarding the interview are contained in the investigation file.

4. Detective Johnson's wallet, including his LAPD Identification Card, was stolen from his person as he lay unconscious in the street. As a result, he was not immediately identified as a Department employee. At approximately 0800 hours, Michael Hall approached a uniformed officer and admitted to taking the wallet. He stated as he went through the contents of the wallet he saw an LAPD Identification Card. He later discarded the wallet and its contents except a Costco card into a trash can. Hall turned the Costco card over to the officer during his interview. A subsequent search of the trash can proved fruitless. To date, Detective Johnson's wallet and identification have not been located.
5. Michael Hall identified himself as a witness to Officer Jesus Toris and surreptitiously met him at Central station. He provided his statement to the officers; however, he left the station prior to Force Investigation Division (FID) investigators' arrival. Investigators made numerous attempts to locate and interview Hall, but were unsuccessful.
6. Erica Enciso reported on her call to 9-1-1 that Detective Johnson had a gun. However, during her interview with investigators she stated she did not see a gun. She had seen the holster on Johnson's hip and others at the scene were mentioning a gun; therefore, she mentioned it to the operator, but did not provide any further details.
7. Detective Johnson's Pistol was stolen during or after the altercation with Wise. On February 19, 2019, the pistol was recovered by Los Angeles County Deputy Sheriffs (LASO) during an investigation, at 27680 Lake Hughes Road, in Castaic, CA. The pistol was found in the possession of Johnny Castro and Bob Arias. The LASO investigation did not provide any information as to where Castor and/or Arias obtained the pistol. Neither LASO nor LAPD investigators discovered any evidence that places either Castro or Arias in the area of 6th Street and San Julian Street at the time of the incident involving Detective Johnson.
8. Detective II Heather Gahry, Serial No. 31089, FID, queried Inventory Tracking System (FITS). In doing so, Gahry determined that Detective Johnson's pistol was not registered in his file. An email was sent to the Bureau Commanding Officer advising of the discrepancy.

Supplemental FID Report²¹

Statement of Witness William "Willie" Charles Brown

On February 14, 2019, at approximately 1205 hours, Detectives III Terence Keyzer, Serial No. 30775, and Michele Santillan, Serial No. 30742, Robbery Homicide Division (RHD), interviewed Witness William "Willie" Charles Little at Central station. During their recorded interview, Little stated he heard two gun shots. He then heard "Crow," later identified as Suspect Michael Wise, state, "Why you gotta use a gun." This information was documented in the Statement Form completed by Detectives Keyzer and Santillan after their interview with Little. It was also documented in the Follow-Up Investigation Report (Investigation Form 3.14) completed by Detectives III Daryn Dupree, Serial No. 27765, and David Holmes, Serial No. 34783, RHD.

On February 14, 2019, at 1853 hours, Detectives II Joseph Kirby, Serial No. 36857, and Guy Golan, Serial No. 38235, Force Investigation Division (FID), conducted a recorded interview of Witness Little at Central station. Witness Little referred to the above-mentioned statement during his interview with FID investigators also, but clarified that he was uncertain as to the exact verbiage used by Suspect Wise. The below listed excerpts regarding the statement made by Wise were taken directly from Witness Little's transcribed interview with Detectives Kirby and Golan:

Page 5, Lines 11 through 12

Little: *And I could hear Crow, "Get the gun, get the gun."*

Page 14, Lines 5 through 7

Little: *I just heard Crow saying, "Get the gun," but he said it in a voice that was agitated or was motivated by fear or something.*

Page 35, Lines 6 through 8

Little: *I don't -- to be honest, I don't know if he was saying, "Why you got to have a gun?" or, "Get the gun." I just heard -- I know I heard him say, "Gun."*

Page 35, Lines 10 and 11

Little: *It could have been said, "Why you got to have the gun?"*

Page 45, Line 21 through Page 46, Line 4

Little: *...I'm assuming that Crow might have said, "Why you have to have a gun?" if they had got into an argument or something, instead of, "Get the gun." It could have been he said, "Why you need a gun?" You understand me, I'm waking -- I'm still kind of foggy, you know, because I was in a deep sleep because I was under the influence somewhat. So that could have been what he had said and the officer said, it could have been, "Why you got to have a gun?"*

²¹ On November 5, 2019, the Commanding Officer, Force Investigation Division issued a supplemental report regarding this case.

Page 46, Lines 9 through 12

Little: *No. I never heard no one say nothing before or after Crow had said what he said, either, "Get the gun," or, "Why you have a gun?" All I know was I heard, "Gun."*

Note: Witness Little was not an eyewitness to the incident. At the time of the occurrence he was sleeping inside of his secured tent. He was awoken by the sound of the gun shots and then heard the above referenced statement.

Serology/DNA Results

On October 30, 2019, Criminalist II Samuel Hong, Serial No. N4628, Forensic Science Division (FSD), completed a Laboratory Report for Serology/DNA for swabs obtained from Item No. 1, Detective Johnson's belt, Item No. 2, Detective Johnson's holster and Item No. 6, Airsoft gun.

The DNA profiles from Detective Johnson's holster showed DNA from three contributors, including at least two males. They concluded Detective Johnson was a 91% contributor of the collected DNA. The remaining DNA was attributed to another unknown male (6%) and an additional unknown contributor (3%).

The DNA profiles acquired from the belt and airsoft gun were not suitable for interpretation.

Injuries: Suspect Michael Wise

On April 30, 2019, Detective Dupree submitted the above-mentioned Follow-Up Investigation Report summarizing the results of RHD's criminal investigation (DR No. 19-0107833).

Note: This report was not included in the FID Administrative Summary of the incident. However, copies of the Follow-Up Report and Detective Keyzer and Santillan's Statement Form are both attached to this Supplemental Report and maintained in the FID Investigative Case Book.

The Follow-Up Investigation Report indicated that "Michael Wise was shot twice on the right side of his lower abdomen. One round was a through and through. The other round lodged in Wise's hip and was unable to be removed."

This information was obtained on February 14, 2019, at 1030 hours, when Detective Dupree spoke with Doctor Bench at the Los Angeles County/University of Southern California Medical Center (LAC-USCMC). Doctor Bench told Detective Dupree he believed Wise had been shot twice.

On February 18, 2019, at approximately 0700 hours, Detective Dupree contacted Nurse Emerita at LAC-USCMC. Nurse Emerita advised Dupree that a bullet was lodged in Wise's hip and that the doctor was unable to remove it.

Note: Suspect Wise refused to sign a medical waiver allowing the Department access to his medical records. As a result, confirmation of his exact injuries is unavailable.

On April 4, 2019, the American Broadcasting Company (ABC) News aired an interview with Suspect Wise. According to Wise, he was shot in the abdomen and a bullet was lodged in his right hip. A review of the video footage from the interview depicts a wound to Wise's right hip as well as a bandage on his abdomen. Wise further stated that his doctor believed he was shot with a rubber bullet.

On September 25, 2019, Detectives II Heather Gahry, Serial No. 31089, and Dimitri Kort, Serial No. 34872, FID, interviewed Suspect Wise at Twin Towers Correctional Facility. Although Wise refused to submit to a full administrative interview, he did allow the detectives to conduct an abbreviated interview during which he discussed his injuries. Wise reiterated statements made during his ABC News interview. He stated that he had been shot one time and that the bullet was still inside his body. He further stated that he and his doctor believe he was also shot by a rubber bullet. Wise explained they believed this *"Because there was, like, a little mark right here (referring to the right side of his torso) and then it went away; it was like a little scab or something like that. And there was a shot right here (referring to the bullet wound). I only got shot once."* A copy of Suspect Wise's transcribed statement in its entirety is included in the FID Administrative Summary.

Statement of Witness Janay Daniels

The Follow-Up Investigation Report submitted by Detective Dupree indicated that Witness Janay Daniels had not been interviewed. Although this was factual at the time the report was submitted, FID Investigators subsequently located and interviewed Witness Daniels. During her interview with FID, Daniels denied any knowledge of the incident and claimed not to know Suspect Wise.

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CHIEF OF POLICE REPORT²²

Chief of Police Findings

Tactics – Administrative Disapproval, Detective Johnson.

Drawing/Exhibiting – Out of Policy, Administrative Disapproval, Detective Johnson.

Lethal Use of Force – Out of Policy, Administrative Disapproval, Detective Johnson.

Chief of Police Analysis

Detention

- According to Detective Johnson, he was off-duty, in civilian clothing, walking on a public street when he was confronted by the suspect who demanded money. Detective Johnson recalled that the suspect displayed what he believed to be a firearm. Detective Johnson then identified himself as a police officer and attempted to draw his pistol. A physical altercation ensued and at some point, his pistol discharged. While Detective Johnson did not seek to conduct enforcement activity, he was a victim of a crime. By identifying himself as a police officer, Detective Johnson reverted himself to on-duty status and attempted to detain the suspect by attempting to draw his firearm.

Tactics

- Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques).*

²² The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)**

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, according to Detective Johnson, he was armed with his pistol while off-duty, in civilian clothing and walking to Central CPS while intoxicated when he became involved in an altercation with Wise and subsequently be became involved in an OIS.

Planning – No evidence existed that Detective Johnson planned to conduct any law enforcement action while he was off duty and returning to his rented condominium. Detective Johnson's intention when he left CPS was to continue walking eastbound on 6th Street and then north on San Pedro St back to his condominium. Detective Johnson was confronted by Wise while he was engaged in a conversation with Daniels and an altercation ensued when according to Detective Johnson, he observed the grip of a handgun in Wise's hand.

Assessment – According to Detective Johnson, while walking to Central CPS, he walked past an alcove that Wise was standing in and Wise asked him for money. Detective Johnson also stated that he was later approached by Daniels as he walked eastbound on 6th Street, between Wall Street and San Julian Street. Daniels was *giving* Detective Johnson a *hard time* by *pressing* him for money saying, "I know you got some." During the encounter with Daniels, Wise approached Detective Johnson a second time and stated, "Just break me off some money" and continued to make various demands for money.

The UOFRB noted that Detective Johnson had ample time to assess the situation and continue walking, however, he stopped and spoke to Daniels for approximately four minutes in an area well known for violent crime and narcotics activity before Wise eventually approached him.

Time – Detective Johnson used the *Distance+Time =Cover* equation when confronted by Wise. Video evidence depicts Detective Johnson backing up and away from Wise while continuing to face him. Detective Johnson turned his body to a *bladed position* in a close contact position with his left arm extended out toward Wise. From the moment Detective Johnson assumed the *bladed Position* the encounter rapidly unfolded, which subsequently led to Detective Johnson being knocked to the ground and further

assaulted. It was evident that Detective Johnson was attempting to create distance from Wise, however, the dynamic nature of Wise's assault prevented him from obtaining that distance.

Redeployment and/or Containment – Detective Johnson observed what he believed was the grip of a handgun near Wise's waistband. Due to Detective Johnson's close proximity to Wise redeployment to an alternate location was not feasible without allowing Wise a tactical advantage.

Other Resources – There is no evidence that exists to indicate that Detective Johnson utilized other resources or that any were readily available to him during the altercation with Wise.

Lines of Communication – According to Detective Johnson he asserted that gave verbal commands that were meant to de-escalate the incident between himself and Wise. Detective Johnson identified himself as a police officer and stated, "Hey I'm a cop. Drop the gun, drop the gun." Detective Johnson stated, "I work around here. I know there's places to help you out." There is no evidence that exists to indicate that Detective Johnson utilized any further lines of communication.

The UOFRB determined, and the Chief concurred that by Detective Johnson's assertions he utilized some elements of de-escalation by backing away from Wise and verbally communicating with him. However, would have benefited from situational awareness and assessment of his environment and surroundings that would have allowed him to avoid this circumstance altogether.

During the review of the incident, the following Tactical Debriefing Point was noted:

- **Debriefing Point No. 1 Off Duty Tactics** (Substantial Deviation –Detective Johnson)

Each year, peace officers are seriously injured and killed during off-duty enforcement actions. Off-duty incidents give light to the critical importance of officer safety and general environmental awareness. (Los Angeles Police Department Training Bulletin, Off-Duty Actions).

In this circumstance, Detective Johnson was intoxicated in the early morning hours and despite it being over a mile away, decided to walk back to his rented condominium. Detective Johnson had multiple opportunities to return to his condominium through the use of ride share options, friends and Department resources who could have provided a ride to his destination. While Detective Johnson got separated from his co-workers who had intended to provide him transportation, he also declined Department resources, which were offered to him at Central CPS.

The UOFRB discussed at length their concern with Detective Johnson's high BAC level, which was documented in medical documents attached to RHD's report. The UOFRB's concern was based in part on Detective Johnson's decision to consume large amounts of alcohol while being armed with his off-duty pistol. The UOFRB cited Detective Johnson's tenure as a Detective supervisor, along with his time and experience as a law enforcement officer as reasons that he should have known it was not a good decision to drink large amounts of alcohol while carrying a firearm. It was noted that while there is no policy that designates an amount of alcohol that may be consumed while off duty, the UOFRB agreed that good judgement is critical to success and making effective decisions in all situations, especially tactical situations.

The UOFRB noted that the FID investigation revealed that Detective Johnson was in front of Central CPS for approximately fifteen minutes, during which Detective Johnson had the time and opportunity to consider his options and obtain a ride to his condominium. Detective Johnson left the relative safety of the police station and walked during the early morning hours onto the streets while intoxicated, which increased his vulnerability. In addition, the UOFRB highlighted that the FID investigation revealed that Detective Johnson voluntarily stopped while he was walking eastbound on 6th Street and engaged Daniels in a conversation for approximately four minutes. Detective Johnson had a history of training and experience related to plain clothes/undercover narcotics investigations and should have recognized the potential danger of the area where he was stopping at. Detective Johnson's decision to stay at that location, while heavily intoxicated and alone, placed himself in peril as he either disregarded or was so substantially impaired that he did not consider the situational danger that the environment posed.

The UOFRB was critical of Detective Johnson's lack of assessment concerning his high level of intoxication, his unwillingness to utilize rideshare resources available to him, as well as not utilizing the abundance of time he had to gauge the clear potential threat level of his environment.

In addition, the UOFRB determined that Detective Johnson's actions were inconsistent with the Department's expectation of a supervisor. Detective Johnson placed himself at an extreme tactical disadvantage by walking alone and intoxicated through an area well known for violent crime and narcotics activity. Detective Johnson's intoxication level played a significant factor in his inability to properly assess his surroundings and make proper decisions based on the factors presented to him.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Detective Johnson's own actions unnecessarily endangered his safety and placed himself at a significant tactical disadvantage. The UOFRB determined, and the Chief concurred, Detective Johnson's actions were a substantial deviation, without justification, from approved Department tactical training. The Chief directed this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- No additional debrief topics were identified.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Sergeant Hernandez responded to the crime scene for what he believed was a Assault with a Deadly Weapon shooting investigation and established a command post. Unbeknownst to Sergeant Hernandez and the responding officers, Detective Johnson was a Department employee and his pistol, wallet and police identification had been stolen by persons at the scene prior to the arrival of officers. The lack of identification and witnesses that knew Detective Johnson resulted in a significant delay in identifying that Detective Johnson was a Department employee and that an Officer Involved Shooting had occurred. In fact, it was not until after the crime scene had been broken down that it was discovered that Detective Johnson had been involved in an OIS. This delay was through no fault of Sergeant Hernandez and in fact he did an exemplary job as the supervisor at the scene of an ADW investigation by ensuring that witnesses were identified and interviewed and that evidence was preserved and collected. The actions of Sergeant Hernandez were consistent with Department supervisory training and met the Chief's expectations of a field supervisor during a critical incident.

Note: By the time it was discovered that Detective Johnson had been involved in an OIS, he had already been placed in a medically induced coma due to the severity of his injuries and it was therefore not possible to obtain a Public Safety Statement (PSS).

Tactical Debrief

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that the tactics utilized by Detective Johnson substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Therefore, the Chief directed that Detective Johnson attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication;
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On June 13, 2019, Detective Johnson attended a GTU. All mandatory topics were covered, including the Force Option Simulator.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

According to Detective Johnson, while he was standing in the street, he observed the handle of a black handgun come from either Wise's pocket, front waistband, or rear waistband. The handgun was a semi-automatic. Wise then held the handgun in his hand with it pointing in a downward direction around Wise's torso or waistband. Detective Johnson began to blade himself with his right gun leg back and his left leg forward. Detective Johnson attempted to get his off duty weapon out

from under his jacket as he identified himself as a police officer by saying, "Hey, I'm a cop. Drop the gun, drop the gun." Detective Johnson then began to back up.

Detective Johnson recalled,

And at some point, I remember-- I'm not sure if it was from his -- his pocket or his front waistband or his rear waistband, but I remember seeing the handle of a black handgun in his hand. At that point, I was in the mid -- kind of, I believe, in the -- in the lane of the street because of the traffic or the tents and just all the chaos. And the way I recall it, I was kind of started to blade myself and kind of peel under my jacket to my -- my off duty weapon, and in a bladed manner, that's when I remember specifically identifying myself as a police officer and telling him, "Drop the gun, drop the gun."²³

And in my mind, I was in a bladed position where my right gun leg was back, and my left leg was forward, and my shoulders were canted trying to draw my weapon or trying to get to my weapon under my clothes, and receiving blows to the head.²⁴

And I had on the shirt, probably a T-shirt, a shirt, like a nice -- like a zipper cloth coat and then a rain coat a longer rain -- black rain coat over that. So my layers of clothing I remember as I'm yelling... I'm almost for lack of a better term, swimming. I'm trying to grab the layers of my clothes and peel them up and reach for my -- my off-duty weapon.²⁵

And at some point I looked -- my eyes went down because it was an eye -- eye contact as I was talking to him, and I remember my eyes seeing a black handle of what I believed was a handgun, a semi-automatic. I believe it was a semi-automatic. He was holding the handle is what I remember specifically. And it would have been pointed -- or in a downward direction around his torso -- around his torso or around his waistband. And at that time I yelled out, "Hey, I'm a cop. Drop the gun. Drop the gun." And I started backing up.²⁶

The next thing that I remember is -- is being focused on his -- his waistband area, looking down and seeing the hand -- that's when I saw the handle of the gun.²⁷

It could have been there the whole time I approached. But I just remember my eyes -- when I looked down, as we were having -- having the conversation or arguing

²³ Detective Johnson's 1st Interview, Page 7 Lines 15-25, and Page 8 line 1.

²⁴ Detective Johnson's 1st Interview, Page 8, Lines 22-25, and Page 9 line 1.

²⁵ Detective Johnson's 2nd Interview, Page 13, Lines 8-15.

²⁶ Detective Johnson's 2nd Interview, Page 12 Lines 22-25, Page 13 Lines 1-7.

²⁷ Detective Johnson's 2nd Interview, Page 35, Lines 22-25.

that I wasn't going to give him any money, I remember seeing the butt - - or I'm sorry - - yeah, the hand, the handle, the grip of a black handgun.²⁸

I don't recall which hand and it at that time it was -- I couldn't see the whole gun, and it was pointed -- but from what I could tell by the handle, the direction of the muzzle would have been pointed down towards -- the ground.²⁹

According to Detective Johnson, he remembered attempting to draw his pistol, but did not remember completing the act of drawing his pistol from the holster. He did not have any memory of having a grip of it [his pistol], and his next memory was being hit on the face and the top of his head and getting knocked to the ground.

Detective Johnson recalled,

I don't remember getting it out. I remember giving the order to drop the gun and that I was a police officer.³⁰

Yeah, I don't have any memory or - - yeah, I don't have any memory of having a grip of it [Detective Johnson's service pistol].³¹

As I was standing, I remember being hit in the front on the face and I remember being hit on the top of the head.³²

I just remember feeling and remember those two specific blows. But I know there was others. And then I remember - - I don't remember how I got down on the ground or how I ended up on the ground, but my next memory after those two blows is being on the ground.³³

The UOFRB noted that this was an usual circumstance as there was no clear video evidence, witness statements, or physical evidence that clearly portrayed the events leading up to, during and after the shooting. In addition, there was no evidence that definitively indicated that Detective Johnson completed the drawing of his pistol. However, based on the totality of the circumstances and the preponderance of evidence, to include statements and limited video evidence, the UOFRB determined that Detective Johnson completed his intended act and drew his pistol.

²⁸ Detective Johnson's 2nd Interview, Page 36, Lines 17-22.

²⁹ Detective Johnson's 2nd Interview, Page 37 Lines 5-11.

³⁰ Detective Johnson's 1st Interview, Page 11, Lines 14-16.

³¹ Detective Johnson's 2nd Interview, Page 41 line 25, and Page 42, line 1.

³² Detective Johnson's 2nd Interview, Page 42, Lines 6-8.

³³ Detective Johnson's 2nd Interview, Page 42, Lines 12-17.

The UOFRB minority reviewed the available surveillance video, evidence and statements and acknowledged that Detective Johnson had a blood alcohol content well above the legal limit to drive a vehicle. However, the UOFRB minority noted that Detective Johnson's level of impairment did not necessarily prevent him from making a sound decision. Detective Johnson attempted to unholster his service pistol after perceiving a threat in a tactical situation, which could have led to the use of deadly force. The UOFRB minority acknowledged that although Detective Johnson had a limited recollection of the encounter, he clearly articulated his intention to unholster his pistol in response to observing that Wise intended to rob him and was armed with a black handgun. Based on the circumstances, it was not feasible for Detective Johnson to disengage and walk away from a suspect armed with a handgun. As such, the UOFRB minority concluded that it was reasonable and therefore In Policy for Detective Johnson to draw his pistol in response to his perception that Wise was armed with a handgun.

The UOFRB majority reviewed the same set of facts and came to a different conclusion based on a review of the available surveillance video, evidence and statements. The UOFRB majority noted that the Department's policy on drawing and exhibiting also states:

"Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or accidental discharge of the firearm." (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

The UOFRB majority was extremely concerned with Detective Johnson's level of intoxication as well as his unreliable memory of the entire incident. The UOFRB majority noted that Detective Johnson's recollection of the incident had significant gaps and there were inconsistencies in his statement as it related to the location of Wise's weapon and the events prior to the OIS. Detective Johnson's statements included events which were not supported by the transaction history of his ATM bank account and video evidence at the Golden Gopher bar and Central CPS.

Based on the totality of the evidence, the UOFRB majority determined that due to his level of intoxication, Detective Johnson's judgement and decision making were severely compromised, and as a result, he placed himself in a perilous situation. The UOFRB majority opined that an officer's perception and recollection of events is of paramount importance. However, in this case, the UOFRB believed that the evidence showed that Detective Johnson's memory and perception were compromised and therefore, undependable.

The Chief looked closely at Detective Johnson's decision to draw his pistol when confronted by Wise. In reviewing the evidence and the totality of the circumstances, the UOFRB majority concluded, and the Chief concurred, that Detective Johnson had the opportunity to leave the location and disengage and remove himself from the situation prior to his encounter with Wise. Detective Johnson made a poor

decision by engaging in a conversation with Daniels and staying at the location for approximately four minutes. This decision ultimately placed himself in unnecessary danger and limited his tactical options. This poor decision making, in conjunction with Detective Johnson's unreliable memory and lack of evidence that Wise was armed with a firearm, led the Chief to determine that the drawing of his pistol was unreasonable.

Therefore, the Chief found Detective Johnson's Drawing/Exhibiting to be Out of Policy, Administrative Disapproval.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*

- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Lethal Use of Force

- *Law enforcement officers are authorized to use deadly force to:*
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
 - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
 - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Detective Johnson – 9mm, two rounds, in an unknown direction from an close distance.

According to Detective Johnson, he observed that Wise was armed with a black semi-automatic handgun. Detective Johnson immediately identified himself as a law enforcement officer and ordered Wise to drop the gun multiple times. Detective Johnson was in the process of drawing his pistol when he was *hit* on his face and on the top of his head, causing him to fall to the ground.

Note: The FID investigation revealed that GSR analysis was conducted on both Detective Johnson's and Wise's hands with positive results, indicating that they were in close proximity when Detective Johnson's service pistol was fired. Two 9mm casings were located on the sidewalk and the street just north of where Detective Johnson was lying when he was located. Wise sustained a single gunshot wound to his abdomen.

According to Detective Johnson, he did not remember discharging his pistol at Wise. Furthermore, Detective Johnson did not remember hearing any gunfire during the encounter.

Detective Johnson was asked by FID Investigators regarding the discharging of his service pistol.

Detective Stone: Okay. At some point there was the – your gun was discharged. Do you have any recollection of that occurring?

Michael Johnson: No, I do not.

Detective Stone: Okay. Did you hear any – any gunfire during this incident?

Michael Johnson: I don't recall hearing any. ³⁴

Detective Johnson recalled, *"And I don't - - although I don't remember discharging my gun, I think that that if I didn't have it, I'd be dead."*³⁵

The UOFRB noted once again in this unusual case there was no clear video evidence, witness statements, or physical evidence which clearly portrayed the circumstances leading up to, during and after the shooting. Additionally, there was no evidence that definitively indicated that Detective Johnson fired his pistol. However, once again based on the totality of the circumstances and the preponderance of evidence, the UOFRB determined that Detective Johnson fired his pistol during this incident. The UOFRB relied on witness statements, video evidence, Wise's wounds and positive GSR results to come to this determination.

In evaluating Detective Johnson's Use of Lethal Force, the UOFRB minority considered several factors in evaluating its reasonableness. In this case, Detective Johnson drew his pistol when he was confronted by Wise who had demanded money while armed with a black semi-automatic handgun. Detective Johnson ordered Wise to drop the gun multiple times and was then struck on his face and head causing him to fall to the ground. Detective Johnson sustained severe trauma to his face and a traumatic brain injury as a result of the incident.

Although Detective Johnson did not recall firing his pistol, the UOFRB minority opined that Detective Johnson likely reverted to his training as a law enforcement officer and recognized that he was in jeopardy of imminent threat of serious injury or death and used deadly force to defend himself. The UOFRB minority noted that Detective Johnson only had a moment to react to observing Wise armed with a gun and immediately identified himself as a police officer. Detective Johnson did not have any tactical options available to him due to Wise's physical assault on him.

The UOFRB minority opined that the OIS was a result of Wise attacking Detective Johnson in a violent and aggressive manner, which led to Detective Johnson receiving severe head trauma. The UOFRB minority concluded that an officer with similar training and experience would reasonably believe Wise's actions constituted a threat of death or serious bodily injury at the time Detective Johnson used lethal force, making it objectionably reasonable and therefore In Policy.

³⁴ Detective Johnson 2nd Interview, Page 47, Lines 18-24.

³⁵ Detective Johnson 2nd Interview, Page 77, Lines 1-3.

The UOFRB majority reviewed the same set of facts and the totality of the circumstances and came to a different conclusion. The UOFRB majority highlighted that the Department's policy specific to the use of deadly force establishes that "the reasonableness of an officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force." The UOFRB majority noted that the conclusion to the encounter between Detective Johnson and Wise followed a series of untenable tactically poor decisions that were in direct contradiction to the Department's training regarding officer safety and general environmental awareness. The UOFRB majority had concerns with the fact that Detective Johnson consumed a large amount of alcohol while armed with his pistol. Additionally, the UOFRB noted that Detective Johnson was a Detective supervisor assigned as the Officer-In-Charge of the 77th NED unit and became significantly intoxicated with his subordinates on the evening of the OIS.

The UOFRB majority opined that Detective Johnson missed an opportunity to receive a ride from his co-workers to his rented condominium. Detective Johnson was also provided the opportunity by Officer Gil to be transported to his condominium, either through the use of ride services or the use of Department personnel to provide a ride. Furthermore, Detective Johnson loitered in front of Central CPS during which he had the time and opportunity to assess his situation and make the decision to obtain a ride to his condominium. Detective Johnson declined those opportunities and instead solely made the decision to leave the relative safety of Central CPS to walk alone on the street during the early morning hours in an area commonly known as Skid Row. Detective Johnson then engaged in a conversation with Daniels for approximately four minutes, placing himself in further peril by disregarding or being inattentive to the high narcotics and crime area that he was in.

The UOFRB majority noted that Detective Johnson had extensive experience as a narcotics detective and he therefore should have known that loitering in the Skid Row area during the early morning hours would place himself in a dangerous situation. The UOFRB majority also had concerns with Detective Johnson's unreliable memory of the encounter and noted that he was unable to remember the details of the incident or if he had even fired his weapon. The UOFRB majority opined Detective Johnson did not have situational awareness of his environment and could have disengaged from the encounter with Wise. The UOFRB acknowledged the serious injury Detective Johnson sustained and was sympathetic to its after effects as noted by medical professionals. Although limited information was available to the UOFRB, they also considered the behavior and actions of Wise. With all those considerations, the UOFRB discussed this matter diligently, thoughtfully and sensitively to come to the determination that they did.

Based on the totality of the circumstances, the UOFRB majority determined, and the Chief concurred, that an officer with similar training and experience as Detective Johnson, would not have placed themselves in that same situation. As a result of

his poor decision making, Detective Johnson placed himself at a significant tactical disadvantage which ultimately exposed him to Wise's aggressive and assaultive behavior. Detective Johnson's substandard tactical decisions led him to be in the situation that resulted in the OIS. Those decisions were not reasonable and placed Detective Johnson in circumstances that were avoidable, which renders the use of lethal force by Detective Johnson unreasonable.

Therefore, the Chief found Detective Johnson's Use of Lethal Force to be Out of Policy, Administrative Disapproval.

Additional

Public Safety Statement (PSS) – A PSS was not taken from Detective Johnson due to the delay in identifying that he was a Department employee involved in an OIS. By the time it was discovered that this incident involved an OIS, Detective Johnson had already been placed in a medically induced coma at USCMC. Detective Johnson remained in the medically induced coma for several days and and it was determined that his medical treatment was a priority. As such, the Chief deemed no further action is necessary.

Department Operations Center (DOC) Notification – The investigation revealed that the incident was reported to the DOC approximately eight hours after the arrival of officers at the scene of what they believed was a routine ADW shooting investigation. Unbeknownst to the officers, Detective Johnson's wallet and identification were removed from the scene by a witness prior to the arrival of the officers. Additionally, Detective Johnson was unconscious and could not identify himself as a Department employee. Thus, the officers were initially unable to identify him as a Department employee that had been involved in an OIS. Once information from the witness was received that Detective Johnson was potentially a Department employee, Detective Johnson was identified and the proper notifications were completed. Due to the extraordinary circumstances of this incident, the delay in DOC notification is understandable. As such, the Chief deemed no further action is necessary.

Firearm not listed in Firearms Inventory Tracking System (FITS) – Detective Johnson's 9mm Glock 19 pistol was registered to him in the Department of Justice firearms database, however, it was not listed in the Los Angeles Police Department FITS file. This was brought to the attention of Captain Alcenda Neal, Serial No. 30599, Commanding Officer, 77th Area, who addressed this issue with divisional training and entry into the Learning Management System (LMS). Captain Neal advised that Detective Johnson's pistol will be entered into FITS when it is released by FID. The Commanding Officer of Operations South Bureau and the Director of the Office of Operations concurred with this action. As such, the Chief deemed no further action is necessary.

Note: Detective's Johnson's 9mm Glock pistol was of the type authorized by the Department and was inspected by the Firearms Analysis Unit. The pistol was found to be functional and the trigger pull value for the pistol was within the Department's established range.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – Responding police vehicles were equipped with DICVS and captured the post incident scene and setting up of the crime scene. There were no police vehicles present at the time of the OIS; therefore, the use of force incident was not captured on DICVS. As a result, no DICVS footage contained any evidentiary value.

Body Worn Video (BWV) – The investigation determined that eight officers assigned to Central Area/Central Patrol Division responded to the scene after the shots had been fired and activated their BWV at some point during their response. The officers' BWV did not capture the use of force incident.

Other Department Video – On February 14, 2019, FID investigators inspected the internal video system of Central CPS. The system was operational and video from the incident was recovered. The video captured Detective Johnson interacting with Officer Gil and entering and exiting the rear door of Central CPS. Detective Johnson was also captured on video near the front doors of Central CPS and can be seen interacting with various citizens, as well as proceeding alone on foot, east on 6th Street, away from Central CPS.

Outside Video – On February 14, 2019, FID investigators, along with RHD Investigators, canvassed the area around 6th Street and San Julian Street as well as the route(s) between the Golden Gopher and Central CPS. Video was identified and recovered that depicted portions of Detective Johnson's movements inside and outside of the Golden Gopher bar, as well as Detective Johnson's encounter with Daniels and Wise during the OIS. Additional video captured Daniels and Wise walking to and stopping in front of the Midnight Mission, as well as Central Division officers arriving on scene and setting up a crime scene as they assessed the status of both Detective Johnson and Wise.

INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- The investigation of this incident was conducted by FID, with participation by RHD due to the serious assault that was committed by Wise against Detective Johnson. During its review, the OIG identified issues that impacted the overall quality of the investigation. These include the following:
 - Video evidence that was viewed by detectives on the day of the incident indicated that a trash can had been used as a weapon to strike Detective Johnson while he lay on the ground. Although a trash can was present in the crime scene, it was not recovered by investigators.
 - Witness Faulks was the only identified independent witness to the assault committed against Detective Johnson by Wise. The interview of Witness Faulks did not include sufficiently detailed questioning regarding the portion of the incident during which Detective Johnson was being beaten by Wise as he (Detective Johnson) lay on the ground (this portion of the incident lasted for approximately 90 seconds). In particular, Witness Faulks was not asked to describe Detective Johnson's actions during this portion of the incident, nor to provide details of any observations he made regarding the nature of Wise's assault against Johnson prior to Wise's use of a trash can as a striking weapon.

As with this investigation, the OIG has noted issues in a number of previous investigations jointly conducted by FID and RHD. In light of the particular challenges that can arise when these two divisions share responsibility for the conduct of an investigation, the OIG has met with the leadership of both divisions as well as their respective bureaus. All concerned entities have committed to ensuring a consistent and effective level of inter-divisional coordination in future investigations.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.

Drawing and Exhibiting

- *In Policy, Detective Johnson.*
- The available evidence does not provide a clear account of the specific circumstances under which Detective Johnson drew his weapon; in contrast, the evidence does establish that Detective Johnson was ultimately subjected to an extremely violent assault by Wise.

The OIG concurs with the Chief's conclusion that Detective Johnson's decision-making leading up to the drawing and exhibiting of his pistol was poor. However, Department policy regarding the drawing and exhibiting of a firearm does not provide for the inclusion of pre-draw decision-making in the determination of whether the drawing itself was appropriate. Rather, the relevant portion of the policy states, "*An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that the situation may escalate to the point where deadly force may be justified.*" Given that the specific circumstances of Detective Johnson's drawing and exhibiting are not evidentially established, and given that the situation did in fact escalate to the point where the detective was subjected to a life-threatening assault, the evidence does not establish a violation of Department policy in this regard.

Lethal Use of Force

- The OIG concurs with the Chief's findings.



MARK P. SMITH
Inspector General